

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JUSTIN EDMISTON,
4 Plaintiff
5
6 v.
7 SUCIDO, et al.,
8 Defendants

Case No.: 3:21-cv-00245-MMD-CSD

Order

Re: ECF No. 50

9 Before the court is Plaintiff's petition for writ of mandamus. (ECF No. 50.) Defendants
10 filed a response. (ECF No. 51.)

11 Plaintiff has filed this petition for writ of mandamus under Nevada Revised Statute
12 (NRS) 34.170 and 28 U.S.C. § 509B. He states that defendant Saucedo has a "malignant heart"
13 and does not deserve to keep working within the institution.

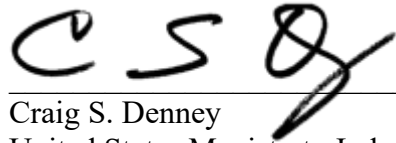
14 This is a civil rights action brought by a pro se inmate pursuant to 42 U.S.C. § 1983.
15 Plaintiff's action was screened, and Plaintiff has been allowed to proceed with claims under the
16 Eighth Amendment for excessive force against defendants Saucedo, Weiland, and Gittere.

17 In this motion, Plaintiff essentially seeks an order that defendant Saucedo's employment
18 with the Nevada Department of Corrections (NDOC) be terminated. 28 U.S.C. § 509B relates to
19 *criminal* enforcement of human rights laws. NRS 34.170 is a *state* statute that allows for the
20 issuances of a writ in *state court* when there is no plain, speedy and adequate remedy in law.
21 Neither of these applies in this civil rights action filed by Plaintiff in federal court.
22
23

1 Therefore, Plaintiff's petition (ECF No. 50) is **DENIED**.

2 **IT IS SO ORDERED.**

3 Dated: August 30, 2022

4 
Craig S. Denney

United States Magistrate Judge